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11 Attorneys for Plaintiffs

12 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

14 SHARON BARNUM; JERRY P. CABEBE, :
15 ROBERT SUSTRIK, and all similarly situated :
16 individuals, : Civil Action No.: 2:16-cv-2866-RFB-NJK
Plaintiffs, :
17 v. : [PROPOSED] STIPULATED
18 EQUIFAX INFORMATION SERVICES, : PROTECTIVE ORDER
LLC, : as amended on p. 2
Defendant.

20 IT IS HEREBY STIPULATED by and between Plaintiffs Sharon Barnum, Jerry Cabebe,
21 and Robert Sustrik (collectively, "Plaintiffs") and Defendant EQUIFAX INFORMATION
22 SERVICES, LLC ("EQUIFAX") through their respective attorneys of record as follows:

23 WHEREAS, documents and information have been and may be sought, produced or
24 exhibited by and among the parties to this action relating to trade secrets, confidential research,
25 development, technology or other proprietary information belonging to the Defendant and/or
26 personal income, credit and other confidential information of Plaintiffs.

27 THEREFORE, an Order of this Court protecting such confidential information shall be
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1 and hereby is made by this Court on the following terms:

2 1. This Order shall govern the use, handling and disclosure of all documents,
3 testimony or information produced or given in this action which are designated to be subject to
4 this Order in accordance with the terms hereof.

5 2. Any party or non-party producing or filing documents or other materials in this
6 action may designate such materials and the information contained therein subject to this Order
7 by typing or stamping on the front of the document, or on the portion(s) of the document for
8 which confidential treatment is designated, "Confidential."

9 See order issued concurrently herewith.

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15 4. All documents, transcripts, or other materials subject to this Order, and all
16 information derived therefrom (including, but not limited to, all testimony, deposition, or
17 otherwise, that refers, reflects or otherwise discusses any information designated Confidential
18 hereunder), shall not be used, directly or indirectly, by any person, including Plaintiffs and
19 Equifax for any business, commercial or competitive purposes or for any purpose whatsoever
20 other than solely for the preparation and trial of this action in accordance with the provisions of
21 this Order.

22 5. Except with the prior written consent of the individual or entity designating a
23 document or portions of a document as "Confidential," or pursuant to prior Order after notice,
24 any document, transcript or pleading given "Confidential" treatment under this Order, and any
25 information contained in, or derived from any such materials (including but not limited to, all
26 deposition testimony that refers, reflects or otherwise discusses any information designated
27 confidential hereunder) may not be disclosed other than in accordance with this Order and may

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1 not be disclosed to any person other than: (a) the Court and its officers; (b) parties to this
2 litigation; (c) counsel for the parties, whether retained counsel or in-house counsel, and
3 employees of counsel assigned to assist such counsel in the preparation of this litigation; (d) fact
4 witnesses subject to a proffer to the Court or a stipulation of the parties that such witnesses need
5 to know such information; (e) present or former employees of the producing party in connection
6 with their depositions in this action (provided that no former employees shall be shown
7 documents prepared after the date of his or her departure); and (f) experts specifically retained as
8 consultants or expert witnesses in connection with this litigation.

9 6. Documents produced pursuant to this Order shall not be made available to any
10 person designated in Subparagraph 5(f) unless he or she shall have first read this Order, agreed to
11 be bound by its terms, and signed the attached Declaration of Compliance.

12 7. All persons receiving any or all documents produced pursuant to this Order shall
13 be advised of their confidential nature. All persons to whom confidential information and/or
14 documents are disclosed are hereby enjoined from disclosing same to any person except as
15 provided herein, and are further enjoined from using same except in the preparation for and trial
16 of the above-captioned action between the named parties thereto. No person receiving or
17 reviewing such confidential documents, information or transcript shall disseminate or disclose
18 them to any person other than those described above in Paragraph 5 and for the purposes
19 specified, and in no event shall such person make any other use of such document or transcript.

20 8. The parties and their attorneys shall take all necessary and proper steps to
21 preserve the confidentiality and protect the rights of the party asserting confidential treatment
22 with respect to any information designated by said party as "Confidential" in accordance with
23 this Order.

24 9. If "Confidential" information submitted in accordance with this Order is disclosed
25 in violation of this Order, the party responsible for the disclosure must immediately upon
26 learning of the disclosure bring all pertinent facts relating to such disclosure to the attention of
27 the party asserting confidential treatment and make every effort to prevent further disclosure by
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1 the responsible party or by the person who was the recipient of such information.

2 10. Nothing in this Order shall prevent a party from using at the trial of this case any
3 information or materials designated “Confidential.” This Order does not prevent any party from
4 seeking to seal trial transcripts and/or trial exhibits, including documents previously filed under
5 seal, or from seeking any other similar relief.

6 11. This Order has been agreed to by the parties to facilitate discovery and the
7 production of relevant evidence in this action. Neither the entry of this Order, nor the
8 designation of any information, document, or the like as “Confidential,” nor the failure to make
9 such designation, shall constitute evidence with respect to any issue in this action.

10 12. Within sixty (60) days after the final termination of this litigation, all documents,
11 transcripts, or other materials afforded confidential treatment pursuant to this Order, including
12 any extracts, summaries or compilations taken therefrom, but excluding any materials which in
13 the good faith judgment of counsel are work product materials, shall be returned to the producing
14 party. The producing party may elect to have its designated materials destroyed rather than
15 returned, in which case the other party shall provide written verification that the documents,
16 transcripts, or other materials, including any extracts, summaries or compilations taken
17 therefrom, have been destroyed.

18 13. In the event that any party to this litigation disagrees at any point in these
19 proceedings with any designation made under this Protective Order, the parties shall first try to
20 resolve such dispute in good faith on an informal basis. If the dispute cannot be resolved, the
21 party objecting to the designation may seek appropriate relief from this Court. During the
22 pendency of any challenge to the designation of a document or information, the designated
23 document or information shall continue to be treated as “Confidential” subject to the provisions
24 of this Protective Order.

25 14. Nothing herein shall affect or restrict the rights of any party with respect to its
26 own documents or to the information obtained or developed independently of documents,
27 transcripts and materials afforded confidential treatment pursuant to this Order.

1 15. The Court retains the right to allow disclosure of any subject covered by this
2 stipulation or to modify this stipulation at any time in the interest of justice.

3 **IT IS SO STIPULATED.**

4 Dated: February 27, 2017.

/s/ Miles N. Clark, Esq. Matthew I. Knepper, Esq. Nevada Bar No. 12796 Miles N. Clark, Esq. Nevada Bar No. 13848 KNEPPER & CLARK LLC 10040 W. Cheyenne Ave., Suite 170-109 Las Vegas, NV 89129	/s/ Bradley T Austin Nevada Bar No. 13064 SNELL & WILMER LLP 3883 Howard Hughes Pkwy., Ste. 1100 Las Vegas, NV 89169 Attorney for Defendant Equifax Information Services, LLC
David H. Krieger, Esq. Nevada Bar No. 9086 HAINES & KRIEGER, LLC 8985 S. Eastern Avenue, Suite 350 Henderson, Nevada 89123 Attorneys for Plaintiffs	

13 **ORDER**

14 **IT IS SO ORDERED.**

15 Dated: February 28, 2017

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UNITED STATES MAGISTRATE JUDGE

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EXHIBIT A

DECLARATION OF COMPLIANCE

I, _____, declare as follows:

1. My address is _____.

2. My present employer is _____.

3. My present occupation or job description is _____.

4 I have received a copy of the Stipulated Protective Order entered in this action on
_____, 20___.

5. I have carefully read and understand the provisions of this Stipulated Protective Order.

6. I will comply with all provisions of this Stipulated Protective Order.

7. I will hold in confidence, and will not disclose to anyone not qualified under the Stipulated Protective Order, any information, documents or other materials produced subject to this Stipulated Protective Order.

8. I will use such information, documents or other materials produced subject to this Stipulated Protective Order only for purposes of this present action.

9. Upon termination of this action, or upon request, I will return and deliver all information, documents or other materials produced subject to this Stipulated Protective Order, and all documents or things which I have prepared relating to the information, documents or other materials that are subject to the Stipulated Protective Order, to my counsel in this action, or to counsel for the party by whom I am employed or retained or from whom I received the documents.

10. I hereby submit to the jurisdiction of this Court for the purposes of enforcing the
Stipulated Protective Order in this action.

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I declare under penalty of perjury under the laws of the United States that the following is true and correct.

3 Executed this ____ day of _____, 2017 at _____.

QUALIFIED PERSON